

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OPPENHEIMER & CO. INC,

Plaintiff(s),

v.

STEVEN MITCHELL et al,

Defendant(s).

CASE NO. 2:23-cv-00067-TL

ORDER

This matter is before the Court on Plaintiff Oppenheimer & Co., Inc.’s “Notice of Renewal and Re-note of Motion for Preliminary Injunction.” Dkt. No. 19. Having considered the relevant record, the Court DENIES Plaintiff’s request to re-note its motion for preliminary injunction (the “Motion”) to February 10, 2023, and DIRECTS Plaintiff to re-file its Motion.

Plaintiff filed this action on January 12, 2023, and also filed its Motion (Dkt. No. 3) the same day. As summons had not yet issued and Plaintiff had not given any indication that Defendants had been served or otherwise provided notice of the Motion, the Court struck the Motion with leave to re-file at an appropriate time. Dkt. No. 11.

1 Plaintiff filed a “notice,” requesting to revive its prior Motion and re-note it for February
2 10, 2023. Dkt. No. 19 at 2. Plaintiff represents that it provided notice to Defendants of the
3 Motion and its supporting materials, as well as the complaint and corporate disclosure statement,
4 in an email to Defendants’ counsel on January 12. *Id.* at 1–2. Plaintiff represents that it then
5 served process on Defendants on January 17. *Id.* at 2; *see also* Dkt. Nos. 13–18 (certificates and
6 affidavits of service). Because Defendants have been served with process and now have notice of
7 the Motion, Plaintiff requests that the Motion be re-noted. Dkt. No. 19 at 2.

8 Plaintiffs have now provided sufficient proof that Defendants have served with process
9 and provided with notice of the Motion itself. But the Motion has already been stricken from the
10 docket by the Court’s order and cannot be simply re-noted.

11 Accordingly, and for the added purpose of clarity of the record, Plaintiff’s request (Dkt.
12 No. 19) to renew and re-note its Motion (Dkt. No. 3) is DENIED. Plaintiff is DIRECTED to re-file its
13 Motion and to include the appropriate certificate of service with the renewed motion confirming
14 compliance with all applicable rules and guidance.

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16 Dated this 20th day of January 2023.

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19 Tana Lin
20 United States District Judge
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